

**STATE OF NEVADA  
BOARD OF EXAMINERS  
FOR LONG TERM CARE ADMINISTRATORS**

**MINUTES OF QUARTERLY MEETING  
NOVEMBER 16, 2004  
GRANT SAWYER BUILDING  
555 EAST WASHINGTON BLVD.  
LAS VEGAS, NV 89101**

1. THE MEETING WAS CALLED TO ORDER BY MARGARET MCCONNELL, CHAIRPERSON, AT 9:45 A.M.
2. TERRY PEDROTTI, EXECUTIVE SECRETARY, CALLED THE ROLL.

BOARD MEMBERS PRESENT:

MARGARET MCCONNELL  
CAROL SALA  
TERRY CLODT

MARY ELLEN WILKINSON  
DOUGLAS SINCLAIR

BOARD MEMBERS EXCUSED

DONNA ROSE

ARNOLD H. GREENHOUSE, M.D.

STAFF:

CHARLOTTE M. BIBLE

TERRY PEDROTTI

GUESTS:

PAM SNYDER, BLC – LAS VEGAS

CHARLES PERRY, NHCA

MARGARET MCCONNELL WELCOMED PAM SNYDER FROM THE BUREAU OF LICENSURE & CERTIFICATION'S LAS VEGAS OFFICE AND CHARLES PERRY, EXECUTIVE DIRECTOR OF NEVADA HEALTH CARE ASSOCIATION.

NO REQUESTS WERE MADE AND IT WAS DETERMINED THAT ITEMS WOULD NOT BE TAKEN OUT OF ORDER AT THIS TIME.

3.\*\* FINANCIAL REPORTS:

IN DONNA ROSE'S ABSENCE, TERRY PEDROTTI WAS ASKED TO PRESENT THE SECRETARY/TREASURER'S REPORTS:

A. THE MINUTES OF THE QUARTERLY MEETING HELD ON AUGUST 10, 2004 AND THE MINUTES OF THE SPECIAL HEARING HELD ON JULY 27, 2004 HAD BEEN DISTRIBUTED PREVIOUSLY TO THE BOARD MEMBERS. THERE WERE NO ADDITIONS, CORRECTIONS OR DELETIONS. MS. MCCONNELL REQUESTED A MOTION. MARY ELLEN WILKINSON MOVED TO ACCEPT THE MINUTES AS WRITTEN. TERRY CLODT SECONDED THE MOTION, AND THE MOTION WAS CARRIED UNANIMOUSLY.

B. FINANCIAL REPORTS:

- (1) NET WORTH REPORT AS OF JUNE 30, 2004;
- (2) FOURTH QUARTER REPORT PREPARED BY CPA;
- (3) FINANCIAL COMPARISON REPORT AS OF JUNE 30, 1999 – 2004.

TERRY PEDROTTI EXPLAINED THAT WHILE THE BOARD'S NET WORTH IS DOWN FROM THE PRECEDING 2 YEARS, THE BOARD'S FINANCIAL STATUS IS STILL IN A VERY HEALTHY CONDITION. THE LOSS OF FUNDS IS DUE TO THE EXTREMELY LOW INTEREST RATES THAT ARE BEING PAID BY THE BANKS; THE INCREASED LEGAL FEES DUE TO AN INCREASE IN DISCIPLINARY MATTERS; AND THE INCREASED COSTS OF DOING BUSINESS. DOUGLAS SINCLAIR MOVED TO ACCEPT THE FINANCIAL REPORTS AS PRESENTED. TERRY CLODT SECONDED THE MOTION. THE MOTION WAS CARRIED UNANIMOUSLY.

4.\*\* ADMINISTRATION REPORTS:

A. COPY OF QUARTERLY LICENSEE ACTIVITY REPORT TO LCB;

TERRY PEDROTTI EXPLAINED THAT THIS REPORT IS SENT QUARTERLY TO LCB TO KEEP THAT ENTITY ADVISED OF THE BOARD'S ACTIONS;

B. COPY OF BIENNIAL REPORT TO LCB IN COMPLIANCE OF NRS 622.110 IS SENT BIENNIALY TO JUSTIFY THAT THE CONTINUED EXISTENCE OF THIS BOARD IS NECESSARY.

C. SAMPLE COPIES OF NEW FORMS SENT TO NEW LICENSEES AND RENEWING LICENSEES:

MS. PEDROTTI EXPLAINED THAT ALL NEW LICENSES, RENEWALS AND DUPLICATE LICENSES WILL BEAR THE NAME OF THE ADMINISTRATOR, NUMBER OF LICENSE AND THE NAME AND ADDRESS OF THE FACILITY FOR WHICH IT IS

INTENDED, IN ORDER TO COMPLY WITH THE AMENDED NAC 654.190 AND NAC 654.250. NO OTHER LICENSE WILL BE ACCEPTABLE ONCE THE PROCEDURE IS COMPLETED.

ALSO INCLUDED TO THE LICENSEE, IS A FACILITY FACT SHEET THAT MUST BE COMPLETED BY THE LICENSEE IN ORDER TO ESTABLISH THE NAME, ADDRESS, TELEPHONE NUMBER, FAX NUMBER, E-MAIL ADDRESS AND NUMBER OF BEDS IN EVERY REQUEST FOR A LICENSE RECEIVED BY THE BOARD FOR ITS DATA BASE. PAM SNYDER SUGGESTED THAT THE FACILITY FACT SHEET THAT IS SENT TO EACH ADMINISTRATOR SHOULD HAVE A FORM OF SIGNATURE AND DATE ATTESTING TO THE RELEVANCY OF THE STATEMENTS.

A DISCUSSION FOLLOWED IN WHICH PAM SNYDER OF BLC, LAS VEGAS, STATED THAT BLC WILL COMMENCE CHECKING FOR THE APPROPRIATE ORIGINAL LICENSE FOR ALL RENEWALS OF FACILITY LICENSES, CHANGES OF ADMINISTRATORS, NEW LICENSEES, ETC. MS. SNYDER ASKED IF THERE COULD BE A METHOD BY WHICH BLC CAN BE ADVISED BY THIS BOARD OF EACH REQUEST FOR A NEW LICENSE; A RENEWAL AND/OR REQUEST FOR A SECONDARY LICENSE? IT WAS SUGGESTED THAT A COPY OF THE APPLICATIONS COULD BE FAXED BY THE BOARD OFFICE TO BLC UPON ITS REQUEST.

THE IMPLEMENTATION OF THESE PROCEDURES IS AN EFFORT TO CURB AND CURTAIL THE PRACTICE OF SOME ADMINISTRATORS TO VIOLATE THE RULES AND REGULATIONS OF, SPECIFICALLY, NAC 654.190 AND NAC 654.250.

5.\*\* ADMINISTRATOR LICENSES ISSUED – BOARD APPROVAL IS REQUIRED:

A. NFA LICENSES:

- (1) MADURSKI, JUNE C.
- (2) MCFERSON, JAYD K.
- (3) SHAFER, ARNOLD J.
- (4) COGAN, KEVIN R.
- (5) UCHITA, PAMELA M.

MARGARET MCCONNELL REQUESTED A MOTION. TERRY CLODT MOVED TO APPROVE THE NFA APPLICANTS FOR LICENSURE. DOUGLAS SINCLAIR SECONDED THE MOTION. THE MOTION WAS APPROVED UNANIMOUSLY.

B. RFA LICENSES:

- (1) CASTRO, FRED A
- (2) DECASTRO, EVELIA
- (3) HAUGH, GINA M.
- (4) MADERA, PAMELA M.
- (5) MCKENZIE, NATALIE J.
- (6) MILLER, MARGARETT R.
- (7) ONYEAGBAKO, CHRISTIAN
- (8) QUATTRO, KELLEY A.
- (9) SHADDEN, LADONNA
- (10) SIMMONS, MARK
- (11) TACARDON, LORRAINE C.
- (12) TYE, KAREN
- (13) WILLIAMS, DORRET O.

MS. MCCONNELL REQUESTED A MOTION. DOUGLAS SINCLAIR MOVED TO APPROVE THE RESIDENTIAL FACILITY ADMINISTRATOR LICENSES FOR THE APPLICANTS LISTED ABOVE. TERRY CLODT SECONDED THE MOTION. THE MOTION WAS CARRIED.

C. INACTIVE REQUESTS:

- (1) STAPLETON, FRED, NFA
- (2) SUPCHAK, TAMELA L., NFA

THE LICENSEES' HAD FULFILLED THE REQUIREMENTS FOR INACTIVE STATUS. MS. MCCONNELL REQUESTED A MOTION. TERRY CLODT MOVED TO ACCEPT THE REQUESTS FOR INACTIVE STATUS. DOUGLAS SINCLAIR SECONDED THE MOTION. THE MOTION WAS CARRIED.

6.\*\* UNFINISHED BUSINESS:

A. FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER IN THE MATTER OF THE COMPLAINT AGAINST LORENZA TACOTACO, LICENSE NO. 5971 – *INFORMATION*:

CHARLOTTE BIBLE EXPLAINED THAT THIS WAS INFORMATION ONLY AND THIS ISSUE MUST BE PLACED ON THE NEXT MEETING'S AGENDA, AS NO DISCUSSION REGARDING TERMS AND CONDITIONS CAN TAKE PLACE WITHOUT MS. TACOTACO'S PRESENCE.

B. RC/AL ADMINISTRATOR TRAINING FOR APPLICANTS, NAC 654.155, SECTION 8(b) – MARGARET MCCONNELL  
MARGARET MCCONNELL STATED THAT THE BOARD HAD NOT HEARD BACK FROM EITHER OF THE PARTIES WHO HAD EXPRESSED AN INTEREST IN BEING OF ASSISTANCE IN THIS MATTER. MS. MCCONNELL DID RECEIVE A CALL FROM PATTI SWAGER OF THE NEVADA GERIATRIC EDUCATION CENTER WHO INDICATED THAT NGEC WOULD BE INTERESTED IN PARTICIPATING IN SUCH A PROGRAM. ALSO, IT WAS NOTED THAT THE TRAINING MANUALS CURRENTLY BEING USED ARE BEING UPDATED, AND WITH NGEC'S ASSISTANCE IN PROVIDING SOME HANDS-ON

TRAINING, THE ASSISTED LIVING REQUIRED TRAINING COULD BE ENHANCED. MS. MCCONNELL STATED SHE WOULD INVITE MS. SWAGER TO ATTEND THE NEXT BOARD MEETING TO DISCUSS SOME IDEAS.

C. CONSIDERATION OF INITIATING DISCIPLINARY ACTIONS AGAINST RFA ADMINISTRATORS NOT IN COMPLIANCE WITH NAC 654.190, 654.250 AND LCB NO. R131-04, SECTION 5, 1.; WHO FAIL TO NOTIFY THE BOARD OF FACILITIES AT WHICH THEY ARE ADMINISTRATOR OF RECORD; OBTAINING SECONDARY LICENSES; THE POSTING OF ORIGINAL LICENSES; AND OF ANY CHANGE IN RESIDENTIAL ADDRESSES – MARGARET MCCONNELL.

MARGARET MCCONNELL EXPLAINED THAT THIS ISSUE WAS RAISED BY THE BUREAU OF LICENSURE AND CERTIFICATION'S NOTIFYING THE BOARD THAT SOME ADMINISTRATORS HAD EXCEEDED THE NUMBER OF FACILITIES ALLOWED UNDER NAC 654.250. ADDITIONALLY, SOME ADMINISTRATORS HAVE BEEN MAKING COPIES OF THEIR LICENSES AND USING THE COPIES – NOT ORIGINALS – AND SIMPLY NOT ASSUMING TOTAL RESPONSIBILITY FOR THE FACILITY. THE FOCUS OF THIS TOTAL ISSUE IS TO PROTECT THE RESIDENTS/PATIENTS OF EACH GROUP HOME AND/OR ASSISTED LIVING FACILITY FROM NEGLECT OR ABUSE.

(1) THE QUESTION BEFORE THE BOARD WAS WHETHER TO NOTIFY EACH OF THE ASSISTED LIVING ADMINISTRATORS WITH ANOTHER NOTICE, ADVISING THEM OF RENFORCEMENT OF THE REGULATIONS, OR TO HAVE THE ADMINISTRATORS BROUGHT BEFORE THE BOARD FOR DISCIPLINARY ACTION HEARINGS? A DRAFT OF A NOTICE HAD BEEN PROVIDED FOR THE BOARD MEMBERS. A DISCUSSION FOLLOWED IN WHICH THE BOARD MEMBERS DECIDED THAT A LETTER SHOULD BE SENT TO EACH OF THE ADMINISTRATORS AT THIS TIME. CAROL SALA MOVED THAT A NOTICE SHOULD BE SENT TO THE ADMINISTRATORS ADVISING THEM OF CONSEQUENCES OF NON-COMPLIANCE. DOUGLAS SINCLAIR SECONDED THE MOTION.

FOLLOWING A DISCUSSION, THE FINANCIAL ASPECTS OF SENDING THE ADMINISTRATORS A LETTER VERSUS LEGAL HEARINGS WERE TAKEN INTO CONSIDERATION. IT WAS DETERMINED THAT THE LEAST EXPENSIVE WOULD BE TO SEND THE ADMINISTRATORS THE NOTICE WITH A TIME LIMIT FOR RESPONDING. IF THAT FAILS, THEN FURTHER LEGAL ACTIONS COULD BE TAKEN. CHARLOTTE BIBLE ALSO REMINDED THE BOARD THAT THERE ARE NO LEGAL PARAMETERS IN THE RULES AND REGULATIONS FOR SETTING FINES AND/OR DISCIPLINE TO THOSE WHO ARE NOT IN COMPLIANCE. MS. BIBLE SUGGESTED THE BOARD MIGHT WANT TO DO A TEMPORARY REGULATION FOR A STANDARD FINE SCHEDULE THAT COULD BE HANDLED BY SETTLEMENT, RATHER THAN BRINGING EACH ADMINISTRATOR BEFORE THE BOARD FOR A HEARING.

THE MOTION AS STATED WAS CARRIED UNANIMOUSLY, WITH THE EXCEPTION OF TERRY CLODT WHO ABSTAINED.

MARGARET MCCONNELL ASKED CHARLOTTE BIBLE HOW TO PROCEED WITH ESTABLISHING A TEMPORARY REGULATION. MS. BIBLE. SUGGESTED THAT THE BOARD COULD HOLD A WORKSHOP TO DETERMINE THE DETAILS OF A SCHEDULE FOR FINES AND/OR DISCIPLINARY MEASURES, DEPENDING UPON THE EGREGIOUSNESS OF THE OFFENSE. MS. BIBLE STATED SHE WOULD BRING TO THE NEXT BOARD MEETING SOME GUIDELINES TO BE DISCUSSED AND A WORKSHOP COULD BE HELD. TERRY CLODT MOVED TO BRING A SCHEDULE OF FINES TO BE LEVIED AGAINST ADMINISTRATORS WHO EXCEED THE NUMBER OF FACILITIES; FOR NOT ADVISING THE BOARD IN AN APPROPRIATE MANNER OF CHANGES IN STATUS; AND FOR NOT DISPLAYING HIS/HER ORIGINAL LICENSE IN A CONSPICUOUSLY PUBLIC LOCATION OF THE FACILITY OR ANY VIOLATION OF THE BOARD'S REGULATIONS. DOUGLAS SINCLAIR SECONDED THE MOTION, AND THE MOTION WAS CARRIED.

MARGARET MCCONNELL RAISED THE QUESTION OF WHAT TO DO WITH THE KNOWN ADMINISTRATORS WHO HAVE BEEN IN VIOLATION? CHARLOTTE BIBLE SUGGESTED THAT PERHAPS A CERTIFIED LETTER SHOULD BE SENT TO THOSE WHOSE FACILITIES WERE VISITED BY TERRY CLODT AND WERE IN VIOLATION, ALLOWING THEM A TIME FRAME IN WHICH TO COME INTO COMPLIANCE. MS. BIBLE STATED SHE WOULD WORK WITH TERRY PEDROTTI TO WRITE SUCH A LETTER.

D. BDR PROPOSED BY BRIAN SANDOVAL – CHARLOTTE BIBLE

CHARLOTTE BIBLE EXPLAINED THAT THE BOARD'S CONCERNS REGARDING THE LOSS OF CONTROL BY THE BOARD IS NOT REALISTIC, BECAUSE IT IS THE LACK OF INVESTIGATORS THAT IS THE BASIS OF THE BDR. MAINLY, IT IS TO CREATE AN INVESTIGATIVE UNIT, HEADED BY A COMMISSIONER, THAT WOULD TAKE ALL COMPLAINTS THAT WERE REFERRED TO THE VARIOUS BOARDS, DIRECT THE INVESTIGATION AND MAKE CERTAIN THAT NO COMPLAINT IS OVERLOOKED.

FURTHER, THE PRESENT PROCEDURE WITH THIS BOARD WOULD REMAIN THE SAME, EXCEPT THAT THE BOARD WOULD SUBMIT THE COMPLAINT TO BE REVIEWED BY THE COMMISSIONER TO BE CERTAIN THAT IT IS PERTINENT TO THE BOARD'S INTERESTS. A PROFESSIONAL INVESTIGATOR WOULD BE ASSIGNED. WHEN THE INVESTIGATION IS COMPLETED, THE INVESTIGATOR WOULD CONFER WITH THE BOARD'S INVESTIGATOR, THE COMMISSION AND OUR ASSIGNED ATTORNEY TO REVIEW THE ISSUE AND DETERMINE WHETHER OR NOT TO FILE A FORMAL COMPLAINT. WITH THE INCREASE OF DISCIPLINARY ISSUES IN THIS BOARD AND OTHER BOARDS, PROFESSIONAL INVESTIGATORS SHOULD PROBABLY BE USED TO OBTAIN THE PROPER INFORMATION.

SEVERAL OBJECTIONS WERE VOICED BY THE BOARD MEMBERS, SPECIFICALLY, IN THE AREA OF FEES THAT WILL ULTIMATELY BE CHARGED; THE IMPLEMENTATION OF YET ANOTHER GOVERNMENT AGENCY; WOULD A BOARD BE ALLOWED TO OPT OUT, IF IT CHOSE TO?

CHARLOTTE BIBLE WENT ON TO EXPLAIN THAT THE OBJECTIVES OF THE BDR ARE TO EASE THE FINANCIAL BURDEN ON BOARDS WHO DO NOT HAVE THE RESOURCES TO DEAL WITH THE NUMEROUS COMPLAINTS THAT OCCUR.

MARGARET MCCONNELL SUGGESTED THIS ISSUE BE LEFT AS UNFINISHED BUSINESS UNTIL MORE INFORMATION IS RECEIVED REGARDING THE STATUS OF THE BDR. MARY ELLEN WILKINSON MOVED TO KEEP THIS MATTER ON THE AGENDA AS UNFINISHED BUSINESS FOR THE FEBRUARY BOARD MEETING WHEN MORE INFORMATION WILL BE RECEIVED. TERRY CLODT SECONDED THE MOTION. THE MOTION WAS CARRIED UNANIMOUSLY.

E. AIT TRAINING AND PRECEPTOR TRAINING – NAC 654.100 SECTION 2. – DONNA ROSE  
DONNA ROSE WAS EXCUSED FROM THIS MEETING AND THIS SUBJECT WAS TABLED TO THE NEXT BOARD MEETING.

F. LEGAL PRACTICE ENVIRONMENT REPORT FOR NURSING HOME ADMINISTRATORS – MARGARET MCCONNELL  
– *BOARD DISCUSSION/ACTION*  
THIS ISSUE WAS TABLED TO A FUTURE BOARD MEETING.

7.\*\* NEW BUSINESS:

A. WITNESS STATEMENT FOR APPROVAL – TERRY CLODT:  
TERRY CLODT STATED THAT BECAUSE HE HAD SPENT A GREAT DEAL OF TIME WITH INVESTIGATIONS REGARDING FACILITY STATUS BY THE ADMINISTRATORS AND OTHER ISSUES FOR THE BOARD, HE DEVELOPED A WITNESS FORM FOR A WITNESS TO COMPLETE WHEN BEING INTERROGATED. THE INFORMATION RECEIVED WOULD BE “CONFIDENTIAL”.

CHARLOTTE BIBLE EXPLAINED THAT THE FORM COULD BE USED AS A TOOL IN CONDUCTING AN INVESTIGATION BY A BOARD MEMBER.

MARY ELLEN WILKINSON MOVED TO APPROVE THE WITNESS STATEMENT FORM AS AN OPTION IN CONDUCTING AN INVESTIGATION. CHARLOTTE BIBLE STATED THAT THIS TOOL COULD BE USED, IF NEEDED, AS A DECLARATION UNDER PENALTY OF PERJURY, IT COULD THEN BECOME AN AFFIDAVIT THAT WOULD BE USED IN A LEGAL PROCEEDING.

MARY ELLEN WILKINSON AMENDED HER MOTION TO APPROVE THE WITNESS STATEMENT FORM, WITH LANGUAGE CHANGES AND SOME REFINEMENTS, AS A TOOL AND AS AN AFFIRMATION AND DECLARATION UNDER PENALTY OF PERJURY, IF NEEDED, IN CONDUCTING AN INVESTIGATION BY A BOARD MEMBER. DOUGLAS SINCLAIR SECONDED THE MOTION. THE AMENDED MOTION WAS CARRIED.

8.\*\* CHARLOTTE BIBLE, CHIEF DEPUTY ATTORNEY GENERAL, STATED THAT AS OF APRIL 2005, NEVADA WOULD HAVE A NEW ATTORNEY GENERAL. BRIAN SANDOVAL, PRESENT ATTORNEY GENERAL, HAS BEEN NOMINATED FOR FEDERAL JUDGE IN NEVADA, AND HE PLANS TO ACCEPT THE NOMINATION.

CHARLOTTE BIBLE ALSO STATED THAT THERE WOULD BE TWO (2) HEARINGS ON COMPLAINTS AT THE NEXT BOARD MEETING. ALSO, AN INFORMAL WORKSHOP COULD BE HELD TO DECIDE THE CONTEXT OF A TEMPORARY REGULATION, PRIOR TO HOLDING A FORMAL WORKSHOP.

9.\*\* INFORMATIONAL CORRESPONDENCE WAS REVIEWED.

10.\*\* THE BOARD MEMBERS CONSULTED THEIR CALENDARS AND TUESDAY, FEBRUARY 1, 2005 WAS DECIDED UPON AS THE NEXT MEETING DATE AT 9:30 A.M. TERRY PEDROTTI WAS ASKED TO CONFIRM THE DATE WITH ARNOLD GREENHOUSE AND DONNA ROSE.

11.\*\* THERE WERE NO PUBLIC COMMENTS.

12.\*\* DOUGLAS SINCLAIR MOVED TO ADJOURN THE MEETING AT 11:50 A.M. TERRY CLODT SECONDED THE MOTION. THE MOTION WAS CARRIED.

RESPECTFULLY SUBMITTED:

*TERRY PEDROTTI*

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TERRY PEDROTTI, EXECUTIVE SECRETARY

ATTESTED:

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DONNA ROSE, SECRETARY/TREASURER